

REMARKS

Applicant respectfully requests reconsideration of this application, as amended, and consideration of the following remarks. No claims have been amended. Claims 1, 3-6, 8-14 and 16-23 remain pending.

Rejections

Rejections under 35 U.S.C. §103(a)

Claims 1, 3, 5, 7-14, 17-18 and 20-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Edinger (US Pat Pub 2002/0194047) in view of Thompson (US Pat Pub 2003/0061104).

Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Edinger in view of Thompson and further in view of Lawrence (US Pat 5,430,866).

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Edinger in view of Thompson and further in view of Hughes (US Pat 4,535,204).

Claims 16 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Edinger in view of Thompson and further in view of Weiss (US Pat Pub 2002/0178364).

Applicant respectfully traverses these rejections as set forth in more detail below.

Edinger discloses a customer support management system and method that resolves both hardware and software problems using a single business model. The system and method is based on interaction between a hierarchy of corporate personnel/consultants and a customer support management system which tracks the evolution of customer support requests from inception to completion. The customer support management system includes a number of software tools including an automated scheduler connected to a database system for storing at least one of customer, product, service provider, and routing information. When a customer experiences a problem with a hardware or software product, the customer sends a support request to the manufacturer. Through an interactive process, first, between the manufacturer and the customer and, then, between system personnel, the system

tools are utilized to locate a service provider anywhere in the world in order to provide on-site support for satisfying the customer support request.

The Thompson reference discloses a warranty support for purchased products is provided by an electronic warranty administrator that maintains a plurality of databases. A first database identifies customers, either individuals or corporate entities having warranted products. A second database identifies the manufacturers of those products. The warranty administrator coordinates between the customer, the manufacturer and a service provider to provide warranty repairs. Unlike conventional extended warranties offered by third parties, the manufacturer remains in the repair process and thereby gains valuable information about the long term satisfaction of the customers. The warranty administrator also provides the manufacturer with a means to contact the customer about other products, product recalls and affinity programs thereby promoting brand loyalty.

The Lawrence reference discloses a data processing system having a pair of mirrored storage units maintains a state record of the mirrored pair in system memory. In order to be able to determine state when the system is re-initialized, this state information is also stored on each storage unit of the mirrored pair, and in an alternate location. When the state changes, the operating system writes the new state to those storage units which are still functioning, and to the alternate location. In order to prevent ambiguous situations, only certain defined state transitions are permitted. When the system is re-initialized, it attempts to read the state information stored on the storage units. If either unit can not be read, the system substitutes the state retrieved from the alternate state record for the state that would have been read from the non-responding unit. This pair of states from the two units index an unique entry in a state derivation table containing the resultant state.

The Hughes reference discloses a telephone dialing system uses a hand-held wand to read telephone numbers represented in bar-code form. The coded numbers are converted to electrical signals, stored and then dialed out in impulse or tone signaling form. A microprocessor implementation and its routines are described. The coded representation may be a 2-out-of-5 code or preferably a hexadecimal code provided by four bars. The hexadecimal allows the provision of characters in addition to numerals

0-9 and enables instructions and other control functions to be entered into and acted upon by the microprocessor. The telephone numbers can be provided on documents such as letterheads or directories. The instruction and control facilities can be generated from labels formed on a pad and containing the hexadecimal codes.

The Weiss reference discloses a secure registry system and method for the use thereof are provided which permits secure access to a database containing selected data on a plurality of entities, at least portions of which database has restricted access. Mechanisms are provided for controlling access to restricted access portions of the database are provided, such access being determined by at least one of the identity of the requesting entity and the entity's status. A multicharacter public code may be provided which the system can map to provide permit delivery of items, complete telephone calls and perform other functions for entities. The system may also be utilized to locate an individual based on limited biological data. Organizations utilizing the system may have custom software facilitating their access and use of the system.

Regarding claim 1, none of the cited references whether considered alone or in any combination teach or suggest a method of identifying a source of a counterfeit product unit comprising receiving a product support request from a customer, wherein the product support request relates to a product manufactured by a receiving party, receiving a technical support identification (TSID) from the customer including establishing a data communication with the customer's product unit and automatically interrogating the product unit to identify the TSID for the product unit, wherein at least one of a plurality of aspects of the product unit is stored in a computer retrievable location in the product unit. The method also includes validating the TSID, classifying the valid TSID as an illicit TSID classification if a unit corresponding to the TSID is identified as a counterfeit product unit including identifying the counterfeit product unit in at least one database. The method also includes assigning at least one of a plurality of support levels to the classified, valid TSID wherein the assigned support level corresponds to the TSID classification and wherein the TSID is received, validated, classified and the support level assigned before an agent is notified of the product support request and enabling delivery of the assigned support level including notifying the customer that the product unit is illicit and denying all product support,

reporting at least one of the customer or the source of the counterfeit product unit and blocking access to an agent.

Regarding claim 18, none of the cited references whether considered alone or in any combination teach or suggest a system for identifying a source of a counterfeit product unit comprising an automated call distributor (ACD), wherein the ACD provides access to a customer and wherein the ACD includes a processor, a memory system coupled to the processor. Wherein the memory system includes instructions executable by the processor to receive a product support request from a customer, wherein the product support request relates to a product manufactured by a receiving party, receive a technical support identification (TSID) from the customer including establishing a data communication with the customer's product unit and automatically interrogating the product unit to identify the TSID for the product unit, wherein at least one of a plurality of aspects of the product unit is stored in a computer retrievable location in the product unit. The memory system includes instructions executable by the processor to validate the TSID, classify the valid TSID as an illicit TSID classification if a unit corresponding to the TSID is identified as a counterfeit product unit including identifying the counterfeit product unit in at least one database. The memory system includes instructions executable by the processor to assign at least one of a plurality of support levels to the classified, valid TSID wherein the assigned support level corresponds to the TSID classification and wherein the TSID is received, validated, classified and the support level assigned before an agent is notified of the product support request and enable delivery of the assigned support level including notifying the customer that the product unit is illicit and denying all product support, reporting at least one of the customer or the source of the counterfeit product unit and blocking access to an agent.

The Examiner is still focusing the examination on "determining a support entitlement method" when the Applicant has refocused the application on "a method of identifying a source of a counterfeit product unit" and therefore Applicant submits that the Examiner has mis-directed his attention regarding the prosecution of the present application.

Neither of Edinger nor Thomson teach or suggest a method of identifying a source of a counterfeit product unit. Further, neither of Edinger nor Thomson teach or suggest *reporting at least one of the customer or the source of the counterfeit product unit*. Nothing in Edinger or Thomson discuss reporting the customer or the source of a counterfeit product such as to a third party for further investigation and action as described in Applicant's specification at paragraph 25 which provides in pertinent part:

...In one embodiment, the *illicit TSIDs can be exported to other databases and other entities for follow-up, such as reports could be made to Business Software Alliance for further investigation*. Reports could also be sent to other similar internal or external entities for researching illicit hardware and software users ... (Emphasis added)

The Examiner also states on page 3 of the Office Action that "(Note; Since the customer can get help from provider's website through online (see paragraph 0098), whenever system prompts (e.g., DIALOG) the customer (see paragraphs 0118-0119), *the system must interact with customer's unit interface*. Therefore it is inherent that the system automatically interrogating the unit to identify the TSID for the unit.)" (Emphasis added)

Applicant submits that the Examiner is therefore admitting that in his view, Edinger neither teaches nor suggests that Edinger's system actually does perform the feature of "automatically interrogating the product unit to identify the TSID for the product unit".

Further, Applicant respectfully requests that the examiner explain why the examiner believes Edinger's system "*must interact with customer's unit interface*" when as explained in the previous response(s) the only interface Edinger describes for the customer's unit is through a dialog with the customer and never does Edinger teach or suggest directly communicating with the customer's unit without a person (the customer) in the middle of the transaction.

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The

Supreme Court held in *KSR International Co. V. Teleflex Inc.* (82 USPQ2d 1385) (hereafter KSR) that :

“[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” (KSR at pg 1396)

Applicant submits that the Examiner’s insistence that Edinger’s system “*must interact with customer’s unit interface*” and that “Therefore it is *inherent* that the system automatically interrogating the unit to identify the TSID for the unit” is merely a conclusory statement because there is no teachings in Edinger to support that Edinger’s system directly interacts with the Customer’s unit.

Edinger queries databases that are internal to the entity providing the customer support to identify a product and an assigned product support level. However, Edinger does not establish a data communication with the customer’s product unit and automatically interrogate the unit to identify the TSID for the unit, wherein at least one of a plurality of aspects of the unit is stored in a computer retrievable location in the unit.

Applicant believes the Examiner has misunderstood Edinger as the Examiner mistakenly relies on page 2, paragraph 0027, page 3, paragraph 0040, 0077 and page 4, paragraph 0086 and 0099 which provide as follows:

“[0027] Structurally, the system of the present invention *includes a database architecture which may be a single centralized unit or multiple database units connected*, for example, by a storage-area network. The database stores customer information (e.g., addresses, telephone numbers, installed products for hardware and/or software), customer personnel information, and information indicating the locations of the installed products (e.g., what floor, what building, what room, etc.), among others. A more detailed, but by no means comprehensive, listing of the types of customer-specific information stored in the database includes:”

“[0040] Customer Problem #”

“[0077] Referring to FIG. 1, in accordance with one embodiment, the customer support management method of the present invention is implemented in accordance with the following steps:”

“[0086] The flow diagrams also include a number of function boxes which reside in predetermined sections of the action bar. These function boxes include a “Monitor Case, Report Activity” box, an “Entitlement Exception Handling” box, an “Entitlement” box, and a plurality of functional boxes under the Internal and External/Interlock headings. The Monitor Case, Activity Report function box indicates that, at various stages of the method, system

personnel may update case records in the database which correspond to customer support requests. This is an especially advantageous feature of the invention because any person in the network may immediately determine and update the status of a customer support request regardless of that person's location."

"[0099] Once the support request is submitted, it may be acknowledged by a return communication along with additional information, described in greater detail below. At this point, *the representative may access the computer database* through the Scheduler tool to make a determination as to entitlement 18 (i.e., whether the customer is entitled to receive support based, for example, on a service contract the customer may have signed) if the customer has provided enough information in the request and the solution to the customer's problem is immediately apparent to the representative. If a determination cannot be immediately made, process flow continues as follows." (Emphasis added throughout)

Edinger teaches that once the unit is identified *by interrogating a database internal to the support provider and not interrogating the actual unit*, the customer support call can be logged or recorded in the *internal database* and the status of the customer support call can be accessed and reviewed by anyone with access to the *internal database*. It is important to emphasize that the database being interrogated is the database that is internal to the entity providing the support and this is totally separate from the actual unit being supported.

Further, nothing in Edinger teaches or suggests establishing a communication with the unit being supported. Edinger relies on information specifically provided by the customer requesting support. Further, Edinger emphasizes this point in the following excerpts:

"After an *interactive exchange between the customer and representative*, enough information is gathered to enable a skilled technician to determine a course of action." (paragraph 0017, emphasis added)

"In accordance with a preferred embodiment, the support request is made in connection with a computer-related product. Those skilled in the art can appreciate, however, that the *invention may provide support for non-computer-related products* such as household appliances, telephone equipment, or any device or system that can be supported over the telephone or via the postal service." (paragraph 0090, emphasis added)

None of the above excerpts nor anywhere else in Edinger provides or suggests that aspects of the unit are stored in a computer retrievable location *in the unit* and that retrieving the TSID includes establishing a data communication with the customer's unit and *automatically interrogating the unit* to identify the TSID for the unit.

Examiner states at page 3 and 4 of the present action:

"receiving a service request ID [i.e., technical support identification (TSID)] from the customer including establishing a data communication with the customer's product unit and

automatically interrogating the unit to identify the TSID for the unit (page 4, paragraphs 0087, 0090, 0098, page 5, paragraph 0118) (Note; Since the customer can get help from provider's website through online (see paragraph 0098), whenever system prompts (e.g., DIALOG) the customer (see paragraphs 0118-0119), *the system must interact with customer's unit interface. Therefore it is inherent that the system automatically interrogating the unit to identify the TSID for the unit.*);" (emphasis added)

Throughout Edinger, the term "dialog" is defined as a conversation between the customer and the agent. The following are all of the excerpts throughout Edinger where the term "dialog" is used:

"[0118] Obtain service request ID from customer. (*DIALOG*)"

"[0119] Does customer have service request ID? (*DIALOG*)"

"[0164] Requests/sub-request are determined by the call center representative from, for example, *dialog with the customer*. Selection of a sub-request type may be made in accordance with a pull-down menu listing on the representative's terminal."

"[0167] ... If the customer gives the customer number/keyword/contract number or other identifying information, that information is used to perform a database search to determine the customer location. The results of the search are then *verified with the customer during a dialog*."

"[0173] In the preferred embodiment of the invention, the object of the support request involves a problem with computer hardware, software, or both. To determine which product category the support request relates to, the following steps are taken. First, *the customer is asked, during dialog with the call agent*, for a product number/name, version and/or release ..."

"[0219] Yes: *Call center representative asks customer per the dialog* and enters appropriate value into the Severity field in the system management tool."

"[0226] If severity is not a required data element of contract, call center representative taker asks customer "What impact does this request have to your business?". (*DIALOG*)"

None of the above instances of the term "dialog" refer, infer, state, imply or otherwise describe that the customer service provider can receive "a technical support identification (TSID) from the customer including establishing a data communication *with the customer's product unit and automatically interrogating the unit to identify the TSID for the unit*"

Edinger states the TSID is received from the customer during a dialog and that the dialog is a dialog (e.g., a conversation) between the customer service personnel and the actual customer. No where does Edinger teach or suggest directly communicating with the customer's product unit and retrieving the TSID from the unit itself. Edinger does not describe an embodiment that does not require the

customer to be the intermediary between the customer's unit and the customer service personnel.

Further, Edinger relies on a customer service person to manually enter the TSID data and to execute the verification. This further teaches away from Applicant's concept that of receiving "a technical support identification (TSID) from the customer including establishing a data communication with the customer's product unit and *automatically* interrogating the unit to identify the TSID for the unit".

Examiner relies on various other references in combination with Edinger to correct the defects in Edinger, however Applicant submits that, none of the cited references correct the deficit on Edinger as described above.

Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claims 1 and 18 is patentably distinct over Edinger and any of the other cited references whether considered alone or in combination. Further, claims 3-6, 8-14, 16, 17 and 19-23 depend from one of claims 1 and 18 and are patentably distinct over the Edinger and the other cited references for at least the same reasons set forth for claims 1 and 18. Applicant therefore submits that Applicant's invention as claimed in claims 1, 3-6, 8-14 and 16-23 are patentable over Edinger and any combination of the other cited references, and respectfully request the withdrawal of the rejection under 35 U.S.C. §103(a).

SUMMARY

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact George B. Leavell at (408) 749-6900, ext 6923.

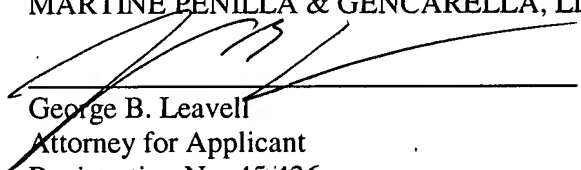
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 50-0805 (Ref ADAPP227) for any charges that may be due or credit our account for any overpayment. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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